



Ontario  
Human Rights  
Commission



# affirmation

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Publications

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## Peace Maker or Advocate?

### The Story of the W-5 Controversy

On September 30, 1979, CTV on its Saturday night program, W5, aired a show called "Campus Giveaway". The message of the program was that many Canadians could not get into Toronto's School of Pharmacy because foreigners absorbed a lot of the available places. The show focussed on a young woman, daughter of a Canadian pharmacist, whose ambition it had been to follow in her father's footsteps. But, so it was stated, though she had adequate grades there were too many foreigners ahead of her.

The average viewer had no way of checking up on the statistics presented (which were subsequently shown to be highly inaccurate—there being, for instance, not a single foreign student in the School of Pharmacy at that time). But what the viewer could discern was the particular way in which the program portrayed "foreigners" and "Canadians". All the former had Chinese features and the latter were white. There was an unspoken implication: Chinese students don't have a rightful place in our universities, because they are foreigners. What about Canadian citizens of Chinese origin? The program failed to distinguish them from aliens on student visas. What about foreign students of Italian or German or other backgrounds? No reference to them at all. On this count alone it was a badly researched show with a slanted message.

It took some months for the Chinese community to register its shock. They proceeded to formulate a nation-wide response, and a protest rally in Toronto, on January 26th, was to touch it off. Commissioners W. Gunther Plaut and Bromley Armstrong participated.

The full Commission then learned of the community's outrage and viewed the program on February 7, 1980. It was unanimously judged to be unfair and detrimental to human relations. But was the matter within its jurisdiction?

While Gordon Fairweather of the Canadian Human Rights Commission, addressing the Empire Club, had voiced his condemnation of the W5 show he had indicated that his Commission lacked the jurisdiction to proceed with a legal complaint, despite the fact that broadcasting is a federally supervised industry and is therefore removed from provincial jurisdiction. If the Canadian Human Rights Commission could not act, where did our Commission come in? Clearly, only as either public advocates or quiet conciliators. After some discussion, the Commissioners chose to try the latter route first.

They found the CTV W5 broadcasters as well as the representatives of the Chinese community ready to sit down and resolve the matter, if possible. Bhausheeb Ubale, Race Relations Commissioner and Rabbi Plaut joined in calling the first meeting, which turned out to be highly encouraging. Negotiations followed, and after several weeks they bore fruit: CTV would apologize, make a corrective statement over the air, and prepare a constructive program on unconscious racism in our society. In return, the pending law suits would be withdrawn and the case removed from the public arena. In a joint statement, the two parties acknowledged the assistance rendered by the Ontario Human Rights Commission.

One of the results of the incident was the formation of a national organization, the Chinese Canadian National Council for Equality, the first of its kind for the Chinese Community. 1,100 people—Commissioners included—attended the founding convention celebration. They had reason to feel that their own decision had been correct: advocacy would have added fuel to an already wide-spread sense of indignation but might have done little else. Conciliation was the less spectacular route, away from headlines and TV cameras. But it contributed in its quiet way toward a positive social climate which is, after all, what the Commission is all about. ■

## A Message from the Minister



Dr. Robert G. Elgie, Minister of Labour

As the Minister responsible for the Human Rights Commission, I welcome the first issue of *Affirmation*.

Human rights legislation is meaningful only insofar as it is known and utilized. By bringing to public attention issues currently before the Commission.

*Affirmation* will help to make Ontario residents better aware of the mandate of the Commission—how it proceeds in complaints, and of the nature of settlements that are achieved.

As well, I hope it will provoke a lively dialogue with and among its readers: we need a forum for the ongoing discussion of public concerns and Government responses to human rights questions.

I am confident that this newest outreach will serve to reinforce my own personal commitment, and that of the Government, to the preservation and enhancement of human rights in our province. ■

## A Place to Stand

*Give us a place to stand*

*And a place to grow*

*And call this land Ontario.*

*A place to live*

*For you and me*

*With hopes as high as the tallest tree.*

This children's song was written in 1967 as part of Ontario's celebration of Canada's Centennial. In the same year the Canadian immigration laws were broadened and a host of new Canadians found their way to Ontario. The premise on which our young society was founded should have suggested that those lyrics could be sung by everyone, no matter where they came from, how old they were, what language they spoke, or the kind of clothes they wore.

However, Ontario has not proven to be as hospitable as it should have been: From the time when, at the turn of the century, restaurants had signs in their windows which read "No Irish or dogs"; from the anti-Semitic riots in a downtown Toronto park during the Depression; or to the assaults against East Indians in the last decade. While Ontario is a place to stand and grow for many, others still encounter insensitivity or open intolerance in many areas of

daily life—discrimination at work, or fear of the subways at night.

But the moral outrage of the community of Ontario is greater than these agents of antagonism and it cries out against them. If we are to pride ourselves on the spirit of dignity and freedom which is purported to reign in Ontario, we must endeavour to uphold the principle of equality of opportunity.

Within the realm of a free society, "human rights" has come to mean the assurance of mutual respect and the uniqueness of individuals against the arbitrary, irrelevant and illegitimate denial of certain rights and privileges on the basis of a racial or cultural identity. "Respect for human rights in Ontario is more fragile than we may wish to believe", wrote Dr. Dorothea Crittenden, the Chairman of the Ontario Human Rights Commission in her last Annual Report.

"Relations among the groups in Ontario society are under even greater strain as recent trends in our economic development reinforce the barriers to equality of opportunity. Not the least of these trends is the reaction of the host community which fears that its own customs and values are being displaced and undermined by the traditions brought to Ontario by newcomers.

"A society of equality of opportunity and social justice will not grow of its own initiative", the Chairman stated. "It requires constant nurturing through legislative action, enforcement, public education and public will". So, it was to that end that the Human Rights Commission was established in Ontario in 1962—the first legislated code of human rights protection in Canada.

In addition to providing remedies for persons who face discrimination, the Commission recognizes that the actions of prejudiced people and their attitudes can be changed and influenced by a process of re-education, discussion and the presentation of facts to challenge popular myths or stereotypes about individuals and groups. ■

## Hot-Line



Doug Salmon offers assistance on Hot Line

**Phone: 965-2216.** Since last May, the hot-line at the Ontario Human Rights offices has been in operation. Now, anyone—with any kind of human rights problem—may call the hot-line number for immediate help and advice.

If you need information or want to report an infringement of human rights, call the hot-line: 965-2216 anytime, day or night, collect, from anywhere in the province. ■

## What We Affirm

Every person is free and equal in dignity and rights without regard to race, creed, colour, sex, marital status, age, nationality, ancestry or place of origin.

This principle is embedded in the Ontario Human Rights Code.

## One Policeman Sparks Dramatic Drop in Peel Racism

By Zuhair Kashmeri

**Brampton**—In 1976, it was evident that racial tension was building in Brampton and Mississauga. Slogans were painted on walls, coloured immigrants were assaulted, and sari-clad Indian and Pakistani women were continually

harassed at a Bramalea shopping mall.

But all that has been turned around. Last year Peel police recorded only seven racist incidents, and Mark Nakamura, manager of race relations for the Ontario Human Rights Commission, now says

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confidently: "Peel will avoid the problems that Metro has gone through."

And the prevailing calm is due in large measure to one senior policeman who went out of his way to become involved in the problem.

James Harding, now police chief in neighbouring Halton Region, joined the Brampton force in 1967 from the Welsh



Chief W. I. James Harding  
*We all live here—together*

constabulary and was a detective-inspector when race relations were deteriorating. Some white youths were stabbed by a Sikh after he and his family had been taunted; some Pakistani factory workers were punched to the ground outside a plant—there were many other incidents. Disturbed by the reports crossing his desk, he wrote a memo to Peel Chief Douglas Burrows, who gave him a mandate to improve police relations with the minority community.

#### Expected 'uprisings'

Chief Harding, looking back on the period in an interview at his Oakville office, says now that he had no doubt back in 1976 "that people were about to take to the streets, that there would be demonstrations and minor uprisings."

Minority groups were staging impassioned community meetings at the time, and Mr. Harding made it his business to attend them. In the prevailing atmosphere of confrontation, his approach at these meetings was to admit openly the police force's concern about the number of incidents involving racial intolerance.

Soon he went further, joining an Indian community group as a volunteer, and spending his off-duty hours doing research on the people. "They came from a different part of the world. They looked different, dressed differently,

behaved and ate differently, prayed differently."

This led to a deep involvement with the sub-continent's culture. On one occasion Mr. Harding, a classical music and opera buff, invited two Indian musicians to his home to play for some white neighbours. Special books were brought back from India for him to read.

He soon began to realize the natural mistakes a police officer can make which could cause Indian immigrants to acquire a negative attitude toward the police.

For example, "if a police officer visited the Gurdwara, the holy place of the Sikhs, he'd be inclined to take his hat off. That is the last thing you do. You cover your head to show respect. And of course he is not going to take his boots off because he's a policeman; he may have to chase someone. But (a person) should never walk with his shoes on into the holy place where the Guru Granth Sahib (the Sikh scripture) is."

#### Set study course

Mr. Harding decided, and reported, that an effort was needed to increase policemen's understanding of the minorities. He put together a study course for Peel officers, and also compiled a list of resource people which included minority-group leaders.

These resource people continue to pay visits to police stations and training rooms. "They tell us about their life, about their old country and about their difficulties."

In return, he and other policemen went out to explain Canadian law and its enforcement to the minorities because, he says, most immigrants come to Canada thinking the law operates in the same way as in their old country.

In Peel, once the police got involved they not only pinpointed the problem but also went out of their way to highlight it, helped by "preaching" from area governments, special education in Peel schools and a good response from the courts.

Police officers with a better understanding of the minority problem were placing more instances before the courts, which in turn were handing out sentences like one under which four young slogan painters were made to spend time with a Pakistani family and research an essay.

All these things taken together led to the dramatic lessening of racial incidents in Peel. ■

*Reprinted from the Globe and Mail  
June 12, 1980, with permission.*

## It Takes Someone To Start It

Excerpts from the Commission's files.

**June 14, 1979.** Merv Witter and Walter Burns, human rights officers in London, met Ms. Carmen Sporovieri, community relations officer with the Public Library. She informed the officers that she was planning to form a steering committee which would pull together all groups and people concerned with human rights in the city. She thereby hoped to increase public awareness of human rights and to involve an ever larger number of citizens in the process. Would the London office of the Ontario Human Rights Commission help?

Of course, the officers replied. A new group was born which in little more than a year has rendered significant services to the community. Other members of the original steering committee were Jim McGuire of the Canada department of the Secretary of State; Beth Tellaiche, Cross Cultural Learner Centre; Ken Alexander, Labour Council; and Navtej Bharati, Sikh Society, who served as Chairman. Within a few weeks the group had secured \$3,000 from the Federal government, and they launched a host of community activities.

**November 8, 1979.** At a meeting in the Library 23 persons brought the views and issues of different organizations, among them the Sikh Community, Childreach Organization, Coalition for Change, Caribbean Cultural Club, Barbados Club, Amnesty International, Cross Cultural Learner Centre, and groups representing the physically handicapped and labour. They agreed that one of the immediate goals should be to have the powers of the Ontario Human Rights Commission widened by legislative action. To this end there would be public meetings; pressure would be put on employers to change their attitude about visible minorities and women. "It's a people's movement," declared the chairman. "If we believe in human dignity and fairness, we can't turn away from this responsibility."

The group was now known as the "London Citizens' Committee for Human Rights." Navtej Bharati was elected President; Jim Hunsberger, Secretary; and Carmen Sporovieri, the original organizer, Treasurer.

**December 4, 1979.** Mayor Al Gleeson declared a Human Rights Week.

**December 10, 1979.** Race Relations Commissioner, Bhausaheb Ubale, addressed a human rights forum. Members of the panel represented the Canadian Human Rights Commission, the Action League for Handicapped Adults, the Caribbean Cultural Organization and the Hellenic Community of London.

The file contains reports of various meetings thereafter. Sometimes the weather was bad and the attendance sparse. But the core people did not become discouraged. A constitution was drafted; plans were laid for a community rally.

**April 22, 1980.** Plans were made for a rally on May 25; Prof. Douglas Rae of Althouse College to be the moderator. The Native Community will participate as will the Ontario Human Rights Commission.

**May 13, 1980.** The Committee resolves to co-ordinate all human rights organizations in the area. A broad public appeal will be made for participation.

**May 25, 1980.** Human rights spokesman Prof. Walter Tarnopolsky ranged over various issues and advocated greater independence of human rights commissions. There was a spirited debate over seniority rights in labour contracts. In a contracting economy and growing unemployment, minority members of the work force are usually the first to lose their jobs, for it's "last in, first out." Dick Ingles, President of the London and District Labour Council, was sympathetic but unyielding on the principle of seniority. "We do not intend to change that concept because we are going to protect those people who formed this great labour organization," he said.

**June 2, 1980.** The *London Free Press*, in an article by Helen Connell, explains why Londoners should learn more about the minorities in their midst. An example are the Sikhs, about whom there is little understanding.

**June 12, 1980.** The committee is firming up its position in the community, and a motion is made to incorporate it as a permanent institution, exactly one year after the group was formed. It succeeded because a few people believed that it was needed and that Londoners eventually would embrace it. ■

## Who Are The Commissioners?

The current Commission is composed of ten persons who are appointed by the Lieutenant Governor in Council. Each Commissioner serves a three-year term which may be renewed once. Persons with broad and sensitive experience in matters concerning human rights are candidates for the job. Commissioners come from various regions of the Province.

1) Chairman of the Commission is Dorothea Crittenden. She has had over forty years of progressively responsible positions in provincial social services. In 1974, she was appointed Deputy Minister of one of Ontario's largest, most public-oriented ministries, Community and Social Services. Recipient of an honorary Doctorate, she was, four years later, named chairman of the Ontario Human Rights Commission and, as chairman, has actively pursued her role as liaison with the Government to promote effective implementation of the provisions of the Ontario Human Rights Code.

2) Senior Scholar at Holy Blossom Temple in Toronto, W. Gunther Plaut is Vice-Chairman of the Ontario Human Rights Commission. A Rabbi, author of

many books, commentator and social activist, Dr. Plaut is past national president of the Canadian Jewish Congress. As Commissioner of the OHRC he serves as editor of this publication.

3) Peter Cicchi, a well known Hamilton business man, is an active member of the National Congress of Italian-Canadians and of the Roman Catholic Church, which elevated him to a place of special honor. He plays a key role in relief projects, such as the Sicilian Earthquake Fund Committee.

4) Albin T. Jousse of Toronto, a physician, is considered one of the foremost authorities on rehabilitation medicine in Canada and has worked extensively—both as a doctor and a private citizen—for the rights and development of the handicapped and their full integration into daily life.

5) Marie Marchand of North Bay was appointed to the Commission last October. Active in civic and political life, she was invited by the Chairman to work as co-ordinator between the Commissioners and the Commission staff on matters relating to staff training and development.

6) The newest Commissioner is Jane Pepino, a lawyer who has worked extensively in legal aid clinics. She is a partner in a Toronto firm which specializes in municipal and land development law.

7) Borden C. Purcell is an Anglican priest at the Church of St. John the Evangelist in Ottawa. In his capacity as Commissioner, he works primarily with religious institutions. Active at the national level in the Prime's World Relief and Development Fund, Canon Purcell's concern has centred on matters of the third world and human rights. He has had many associations with international affairs committees, especially in the area of racism.

8) From Timmins comes Andrew Rickard, who at age 25 was one of the youngest Band Chiefs ever elected in Canada. He served as vice-president and executive director of the Union of Ontario Indians and has concerned himself with negotiating mechanisms between the Indian people and all three levels of government. Rickard is currently devising a plan for the Commission to examine how Ontario Native communities can be supported in their efforts to play a more active role in Ontario's economic development.

9) Beverley N. Salmon, of Don Mills, was appointed to the Commission last March. The Commission is a logical step in her community involvement. Mrs. Salmon has worked extensively with Black minority groups in both Toronto and Detroit, has been a member of the executive of the Urban Alliance on Race Relations, and has chaired the Toronto Board of Education Black Liaison Committee.

10) Bhausaheb Ubale is the Commissioner for Race Relations. He and the Chairman are the only two full-time Commissioners. Born in India and educated at universities in the United Kingdom, Dr. Ubale holds a Ph.D. in Economics. Since coming to Canada, Dr. Ubale has been particularly involved in matters which deal with racial violence and discrimination. He is a member of various international associations. ■



**Affirmation**

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Dorothea Crittenden,  
ChairmanThe Ontario Human Rights Commission  
Editorial Office  
80 Grosvenor Street  
Toronto, Ontario  
M7A 1A7**Editorial Board**  
W. Gunther Plaut, editor  
Janet Enright, contributing editor  
Bhausheeb Ubale  
George A. Brown  
J. William Preiner  
Nora J. Quigley  
Jill Armstrong

## Editorials

### Have We Got It?

The late and lamented maestro of jazz, Fats Waller ("Ain't Misbehavin'"), once was asked to explain what rhythm was all about. "Lady," he said, "if you got to ask, you ain't got it." One is tempted to answer a question about the nature of human rights with the repartee of the maestro: If we value the humanity of others we instinctively know about human rights.

But instinct isn't enough. If society wants to protect its human rights component it needs to encase it in law. Yet, at the same time, individual freedoms too need constant care. Ideally, we strive for a perfect balance between safeguarding the social welfare of society and maintaining the civil rights of each person. We have problems because the balance is never quite perfect. That's where the Human Rights Commission comes in. And that is why it has narrowly defined legal obligations and broadly defined social goals.

The Ontario Human Rights Commission was established to afford

the disadvantaged segments of our society more equitable access to the opportunities of Canadian life. The thousand new cases which it helps to settle or adjudicate each year are of course only a small mirror of our complex social structure. Still, one person's welfare is important to the well-being of all. Human rights, like liberty and justice, are ultimately indivisible.

We launch *Affirmation* in the hope that knowledge of the Commission and the Code and of the men and women who make it work, will be of benefit to the people of Ontario, so that they may be more effective guardians of their own future. Our goal is as simple as it is ambitious: we like increasing numbers of Ontarians to grasp the nature and importance of human rights, so that—unlike the lady who queried Fats Waller—we can say of ourselves that "we've got it." ■

## Success Breeds Failure

The Human Rights Code is out of the closet. More and more people are aware that it exists and that it affords remedies for certain personal injuries. And it's high time, too.

For our society is changing rapidly, both in composition and temper. Every change of major proportions creates tensions and anxieties, as well as new opportunities and hopes. It is in the best interest of society to increase the latter and minimize the former. Using the Code and Commission to the fullest extent would appear as one way to achieve that goal.

Ah, there's the rub! The more people are aware of their rights and call on the

Ontario Human Rights Commission to assist them, the more the case load increases and an ever greater delay of dealing with it develops. The larger our outreach and educational work, the more demands are made upon us. It is an inevitable cycle, which can be (and is) temporarily broken by adding more staff, but which in the next round faces the same problems all over again.

Is there a real remedy for this conundrum? Probably not, but knowing that what ails us is in part the result of our own success makes our frustrations a little easier to bear—although that may be scant consolation for the parties involved in a particular dispute. ■

## The Fireman and the Quarterback

### Or: When You Can't and When You Can

During the last year two cases demonstrated how in one instance a complainant used the Code to gain a desirable goal, and how in another, it failed him.

Case one concerns a man, A.J., aged 32, who worked for a Western Ontario Municipality, and applied for a position as fireman. His qualifications were good, but his application was set aside because a city ordinance provided that firemen must be 30 or under when they apply. So A.J. was considered over-aged, and was understandably upset. He felt he had been unfairly treated and complained to the Commission.

To be sure, the Human Rights Code says clearly that age discrimination is

prohibited, like discrimination on the basis of race or sex, and Section 4(1) (a) specifically prohibits it in an employment situation. But there is Section 19(a) which states:

*"In this Act, 'age' means any age of forty years or more and less than sixty-five years...."*

Why does the Code say "40-65"? Because those are the critical years when employment opportunities shrivel and people need added protection. Had A.J. been forty years old the Code would have protected him. At 32 he was considered not yet protected by the Code. At 40 the Code would cover him, at 32 he is in a no-man's land. That is



Canadian football.

obviously not what the legislators intended, but the way the law is phrased, the Commission was stymied. It decided to attack the city by-laws as unfair and arbitrary, but the matter has not been resolved to date.

It was different with case two, the celebrated complaint of James David ("Jamie") Bone, quarterback, against his employer, the Hamilton Tiger-Cats Football Club. Bone grieved to the Commission charging that the Club's application of the hiring rules of the Canadian Football League—ostensibly created to protect Canadian citizens—made it in fact well-nigh impossible for him, a Canadian, to be considered seriously for the position of quarterback. Americans almost automatically were the real candidates. Contradictory? Yes, but true nonetheless. Here's why (as culled from the published decision on August 16, 1979, of Prof. John D. McCamus, who sat as a board of inquiry).

Members of the Canadian Football League observe "Import Rules," instituted to make sure that each team has a strong Canadian contingent and is not overwhelmed by American players. Currently, non-Canadians are limited to 15 for each team or, more precisely, fifteen players with non-Canadian training (the citizenship rule was deemed to run counter to the Human Rights Code). However, while the fifteenth import player is allowed to substitute for another import, the player whom he replaces may not play again during the game. An exception is made for the quarterback: if two import players are designated as quarterbacks they may freely substitute for one another. (Are you still with us?) This is called the "Designated Import Rule".

Its practical impact is to have CFL head coaches or managers engage two American professionals as quarterbacks, and the rule is clearly devised to make this feasible. A corollary result is that Canadian players who, though they may be as capable as the American imports, are likely to be given short shrift in the training camp. Unless they are of superior talent they are effectively shut out. Which means that the whole elaborate system, instituted to protect the Canadian character of the game, breaks down when it comes to quarterbacks. They are (and with rare

exceptions have been) American imports.

Jamie Bone was born in Halifax, played football at a local high school, attended Acadia University where he was the starting quarterback, then switched to University of Western Ontario and received his B.A. in 1978, and his B.Ed. in 1979. Throughout his four years he was the first string quarterback. In the CICAU College Bowl of 1977, he tied or surpassed a number of records, and was judged the most valuable player in Canadian college football in 1978. According to coach Darwin Semotiuk, Bone was the best Canadian quarterback he had ever seen.

Bone was hired by the Hamilton Tiger-Cats but after a short training camp session he was released. He played in no exhibition games and, according to the complaint he made to the Ontario Human Rights Commission, was not considered as a serious candidate for employment because he was a Canadian. He claimed that the Tiger-Cats had breached Section 4(1) of the Code, which specifically prohibits discrimination in hiring and training on the basis of nationality and place of origin.

The Board of Inquiry (established upon recommendation of the Commission) held that while the Designated Import Rule did not require a coach to discriminate against Canadians, such discrimination had in fact taken place in Bone's case. The Club was ordered to give him a fair try-out at its 1980 training camp and to pay him \$10,000 for loss of a fair opportunity and damages. But Bone declined the try-outs and was later picked up by the two-time Super Bowl champions, the Dallas Cowboys. The reported salary offer was \$100,000 (U.S., of course). They did not worry about imports; they just wanted a first rate player for the vacated spot of the famous Roger Staubach. ■

*P.S. The Cowboys released Bone at the end of the summer's training session. He felt, however, that he had been given a fair chance to prove himself.*



## Sexual Harassment Increasingly Costly

More and more complaints about sexual harassment have come to the Commission. Here is one example:

A 22 year old woman filed a complaint on the ground of sex in respect of herself and several other female employees of the respondent company.

The complainant alleged that shortly after commencing work as his secretary, the controller of the company offered her a ride after a staff meeting. Despite her protests, the respondent drove her to a parking lot where he proceeded to make sexual advances. The following week, he began to harass the complainant on the job, criticizing her work and accusing her of receiving personal phone calls at work and leaving early.

A few days later, after explaining the situation to the president of the

company, the complainant was dismissed. The reason given to her was that her continued employment would be an embarrassment to all concerned.

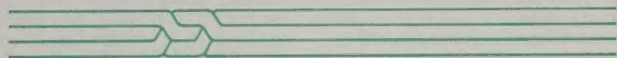
Investigation showed that two other female employees who alleged propositioning by the controller were also dismissed after undue scrutiny and work pressure. Statements of other witnesses supported the allegations of sexual harassment by the controller.

The settlement agreed upon was \$3,800 each to the complainant and a major injured witness, this amount including special damages with six percent interest and general damages. Five subsidiary injured witnesses received \$200 each. The controller was fired by the respondent company. Altogether, his indiscretions cost the company \$8,000. ■

## Is This Card Posted Where You Work?

Many establishments have taken advantage of the poster which is supplied free of charge by the Ontario Human Rights Commission. If you are an

employer, posting the Code card will reassure your employees; if you are an employee, suggest to management that the card be displayed. ■



Ontario  
Ministry of  
Labour

Declaration of Management Policy  
We Observe and Uphold the

## ONTARIO HUMAN RIGHTS CODE

It is public policy in Ontario that every person is free and equal in dignity and rights.

The Ontario Human Rights Code prohibits discrimination on the grounds of race, creed, colour, age, sex, marital status, nationality, ancestry or place of origin. This applies to employment, housing, public accommodation and services, and signs and notices.

It is the privilege and the responsibility of every resident of Ontario to support and apply the spirit and the letter of the Ontario Human Rights Code.

We recognize that this applies to all employers, trade unions, employment agencies, and professional associations, and to landlords, and to operators of hotels, restaurants, resorts and other establishments and facilities customarily open to the public.

ONTARIO HUMAN RIGHTS COMMISSION  
400 University Avenue, Toronto

Offices in Hamilton, Kenora, Kingston, Kitchener, London, Ottawa,  
Sault Ste. Marie, Sudbury, Thunder Bay, Timmins, Windsor.

## The Commission at Work

The Commission is entrusted with the responsibility of implementing the Ontario Human Rights Code. The Code protects anyone in the following areas of discrimination: employment, housing, accommodation, public services and facilities, and reprisal actions on the grounds of race, creed, colour, age (40-65 years), sex, marital status, nationality, ancestry and place of origin. Last year, 1,052 formal complaints were lodged, 253 more than the previous year. Clearly, more and more people are aware of their rights and privileges in Ontario and understand that the Commission will endeavour to protect these rights.

But can a law defy discrimination? Said the Commission Chairman, Dr. Crittenden, in her last report: "The answer does not lie solely with human rights legislation, but within the hearts and minds of every Ontario resident to make that law work." The staff officers of the Commission who handle these complaints therefore have a monumental responsibility to investigate each case thoroughly and objectively. The parties to the dispute are then brought together in an attempt to reach an agreement.

Human rights in Ontario are thus aggressively championed by persuasion and conciliation. The process works for close to 75 per cent of the complaints. A weekly panel of three Commissioners reviews all cases, to ensure that the conciliated settlements appropriately reflect the nature of the injury suffered.

If, however, persuasion does not work, the full Commission will review the case. And if it determines that only a public inquiry will do justice to the complaint and thereby help prevent the future occurrence of discrimination, then it will ask that a Board of Inquiry be appointed by the Minister of Labour.

Such a Board—usually a renowned professor of law—will independently hear the evidence and decide whether discrimination did or did not occur. It determines the settlement and its order is binding and may be appealed only through the courts. Settlement may involve job offers, financial compensation for lost earnings and damages for loss of dignity. In the past fiscal year, 25 Boards of Inquiry were appointed (altogether, 46 Boards are pending at this writing.)

Too often, acts of hostility and discrimination are motivated by fear, ignorance, or lack of understanding. The Ontario Human Rights Commission makes every effort to prevent these tensions by persuasion, rather than coercion. ■

## Sorry! All Filled Up.

An Indian woman of Moosonee, Ontario, reserved a room at a hotel in a northern Ontario town by telex. Her reservation was confirmed. When she arrived at the hotel, late in the day, with a tired child, she was told that there was no reservation for her and that no rooms were available because a convention had booked everything. The woman filed a complaint with the commission alleging that she was denied public accommodation because of her ancestry.

Investigation showed that the woman's reservation had indeed been confirmed by telex and that there were 93 rooms vacant on the evening of her arrival. No convention had been scheduled for that date.

This investigation was coupled with another complaint filed against the same hotel at about the same time. A man reserved a room by telex which was confirmed. When he arrived, he was refused a room. He filed a complaint

## Current Boards of Inquiry

At this writing (August 1st) 46 Boards of Inquiry recommended by the Commission are pending. Of these, 9 have their dates set. We list them below, with the knowledge that decisions may be announced in some of them by the time *Affirmation* is published. Some judgements will be printed in future editions.

*Arvin Automotive of Canada Ltd., and Samy Abishira.*

A Jewish person alleges discrimination in employment on the basis of creed. Hearing October 14-15.

*Diamond Restaurant and Elizabeth Cinkus.*

Discrimination in employment on the basis of sex is alleged. Hearing September 16-17.

*Gec Canada Ltd., R.D. Merer, A.V. Colledge and Sam Benet.*

A man of South East Asian background alleges discrimination in employment on account of race, colour, ancestry and place of origin; he also alleges reprisal action taken by the employer. Hearing August 28-29.

*Canadian Nurses Association and Henry P. Cousens.*

Complainant is a white male Anglo-Saxon who alleges discrimination in employment because of his ancestry. Hearing October 21-22.

*Cara Operations, CN Tower and Margaret Ofori.*

A Black woman of African background alleges discrimination in employment on the basis of race, colour, ancestry, nationality, and place of origin. Hearing August 12-13.

*F.W. Woolworth Co. Ltd. and Sucha Singh Dhillon*

A man of South East Asian background alleges discrimination as in the previous case. Hearing August 7-8.

*Ontario Hydro, Jack Watson and Hollis Trotman.*

A Black male of Trinidadian background alleges discrimination as in the previous case. Hearing October 7-10.

*Metropolitan Toronto Board of Police Commissioners, Inspector William Dickson and Harjit S. Ahluwalia.*

A man of South East Asian background alleges discrimination as in the previous case. Hearing August 18-21.

*Domglas Ltd. and Avtar Singh.*

A man of South East Asian background alleges discrimination in employment on account of race, creed, nationality, ancestry and place of origin. Hearing October 2-3. ■

with the Commission alleging that he had been discriminated against on the grounds that he was a Native Indian.

Investigation showed that his complaint was substantiated, and that there was evidence that Native Indians were given rooms in the East wing of the hotel which was more run down than the West wing, where white people were accommodated.

The vice-president of the hotel claimed that the hotel had no formal policy of denying rights to Native Indians and she was eager to rectify any problems which may have occurred in the past as well as preventing any in the future. As a result of the complaints and investigations, the manager of the hotel was fired and letters of apology were mailed to both the man and the woman. The hotel agreed to post a Human Rights Code card on the premises and offered a week-end—gratis—at the hotel to the woman from Moosonee. ■